

**BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL A**

IN RE: ROBERT N. JEFFREY
ARKANSAS BAR ID NO. 89110
CPC DOCKET NO. 2008-093

FILED

DEC 30 2008

**LESLIE W. STEEN
CLERK**

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee from a referral of the Arkansas Supreme Court. The information related to the representation of Edward S. McWilliams by Robert N. Jeffrey, Attorney at Law, Camden, Arkansas.

Mr. Jeffrey represented Edward S. McWilliams in a criminal case in Union County Circuit Court where Mr. McWilliams was convicted of Possession of a Firearm By Certain Persons. In November, 2004, Mr. McWilliams was placed on probation for five years and ordered to pay a fine, court costs, and attorneys' fees. A Petition for Revocation was filed alleging that Mr. McWilliams violated the terms and conditions of his probation. On March 4, 2008, Mr. McWilliams' probation was revoked and he was sentenced to a term of forty-eight months in the Arkansas Department of Correction.

On March 14, 2008, an Amended Judgment and Commitment order was entered to correct a clerical error. Mr. Jeffrey filed a notice of appeal on April 7, 2008, from the original Judgment and Commitment Order filed on March 4.

On June 23, 2008, Mr. Jeffrey tendered the record from the lower court proceedings to the Arkansas Supreme Court Clerk. The clerk refused to file the record as the notice of appeal was filed more than thirty days following the entry of the judgment and commitment order from which the

notice of appeal stated was being appealed. Rule 4(a) of the Rules of Appellate Procedure–Civil, requires that a notice of appeal be filed within thirty (30) days from the entry of the judgment, decree or order appealed. As the Judgment and Commitment Order being appealed from was filed on March 4, 2008, a notice of appeal was due to be filed on or before April 3, 2008. Mr. Jeffrey was advised that he filed the notice of appeal late and needed to file a Motion for Belated Appeal.

On June 23, 2008, Mr. Jeffrey filed a Motion for Rule on the Clerk. On September 4, 2008, the Arkansas Supreme Court treated the motion as a motion for belated appeal and issued a *Per Curiam* Order referring the matter to the Office of Professional Conduct.

Mr. Jeffrey admitted to the facts as stated herein and that his conduct violated the Rules alleged in the Office of Professional Conduct's complaint.

Upon consideration of the formal complaint and attached exhibit materials, Mr. Jeffrey's response, and the Arkansas Model Rules of Professional Conduct, Panel A of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. Robert N. Jeffrey violated Rule 1.3 when he failed to timely file a notice of appeal on behalf of his client, Edward S. McWilliams, within thirty days of the entry of a Judgment and Commitment Order dated March 4, 2008, in the case of State of Arkansas v. Edward S. McWilliams, Union County Circuit Court, Case No. CR04-414-1-1. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

2. Robert N. Jeffrey violated Rule 3.4(c) when he failed to comply with Rule 4(a) of the Rules of Appellate Procedure–Civil, when he failed to file a timely notice of appeal on behalf of his client, Edward S. McWilliams, following the entry of the Judgment and Commitment Order on March 4, 2008. Rule 3.4(c) requires that a lawyer not knowingly disobey an obligation under the

rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.

3. Robert N. Jeffrey violated Rule 8.4(d) when his failure to file a timely notice of appeal on behalf of his client, Edward S. McWilliams, resulted in a delay in the orderly and timely resolution of appellate proceedings and when his failure to file a timely notice of appeal of his client, Edward S. McWilliams, required the Court to expend additional time and effort which would not have been necessary otherwise. Rule 8.4(d) requires that a lawyer not engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that ROBERT N. JEFFREY, Arkansas Bar ID No. 89110, be, and hereby is, CAUTIONED and assessed costs in the amount of FIFTY DOLLARS (\$50.00) for his conduct in this matter. The costs assessed herein shall be payable by cashier's check or money order payable to the "Clerk, Arkansas Supreme Court" delivered to the Office of Professional Conduct within thirty (30) days of the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

IT IS SO ORDERED.

ARKANSAS SUPREME COURT COMMITTEE ON
PROFESSIONAL CONDUCT - PANEL A

By: Steven Shults
Steven Shults, Chairperson, Panel A

Date: December 3, 2008